



City of El Paso – City Plan Commission Staff Report

(REVISED)

Case No: SUSU14-00063 CVS Dyer Subdivision
Application Type: Major Combination (Reconsideration)
CPC Hearing Date: December 18, 2014
Staff Planner: Nelson Ortiz, (915) 212-1606, ortiznx@elpasotexas.gov
Location: East of Dyer Street and North of Rutherford Drive
Acreage: 1.286 acres
Rep District: 4
Existing Use: Commercial
Existing Zoning: C-3 (Commercial)
Proposed Zoning: C-3 (Commercial)
Nearest Park: Todd Ware Park (.57 mi.)
Nearest School: Crosby Elementary School (.44 mi.)
Park Fees Required: \$1,290.00
Impact Fee Area: N/A
Property Owner: Tapnim Futuer, LP; CLK New-Star GP, LLC; Myer Lipson
Applicant: Linfield, Hunter & Junius, Inc.
Representative: Linfield, Hunter & Junius, Inc.

SURROUNDING ZONING AND LAND USE

North: C-3/ Commercial Development
South: C-4 / Commercial Development
East: C-3 / Commercial Development
West: C-3 / Commercial Development

PLAN EL PASO DESIGNATION: G3 (Post-War)

APPLICATION DESCRIPTION

****NOTE:** The purpose of this second review by the City Plan Commission is due to a shift in the subdivision boundary in order to fix an encroachment issue. The subdivision was previously approved as a 1.9712-acre property and is now being reduced to 1.2868 acres.

The applicant proposes to subdivide approximately 1.3 acres in order to create one commercial lot. Primary access to the subdivision is proposed from Dyer Street and Diana Drive. The subdivision was reviewed under the current subdivision code.

Both Diana Drive and Dyer Street are currently designated on the Major Thoroughfare Plan as a

Major Arterial and in the city's Bikeway Plan with a required 110' ROW. Diana Drive has a 90' ROW while Dyer Street has a 100' ROW. In accordance with Section 19.10.050 (A), the applicant is requesting an exception to waive additional ROW dedication and street improvements.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the exception to waive roadway improvements and approval of CVS Dyer Subdivision on a Major Combination basis, subject to the following comments.

Planning Division Recommendation:

Approval of the waiver as it meets the criteria under Section 19.10.050.A. (Roadway participation policies – Improvements of roads and utilities within and or abutting the subdivision), which reads:

1.a. Fifty per cent of the lots within a quarter mile of the proposed development have already been developed and the existing street improvements are in character with the neighborhood.

City Development Department - Land Development

We have reviewed subject plats and recommend **Approval**; no objections.

Parks and Recreation Department

We have reviewed **CVS Dyer Subdivision**, a revised minor plat map and offer Developer / Engineer the following comments:

Please note that this subdivision is zoned "C-3" meeting the requirements for multi-family dwellings use restricted to a maximum of 29 dwelling units per acre, however, applicant has submitted preliminary covenants restricting the use to general commercial purposes only and prohibiting all residential uses therefore, "Park fees" will be assessed based as follows:

1. **If** gross density waiver is granted by the Planning Department or designee and a copy of the final recorded covenants is provided restricting all residential uses, then applicant shall be required to pay "Park fees" in the amount of **\$1,290.00** based on Non-residential subdivision requirements calculated as follows:

Non-residential acreage 1.29 (rounded to two decimals) @ \$1,000.00 per acre = **\$1,290.00**

Please allocate generated funds under Park Zone: **NE-2**

Parks with-in Park Zone: **Irvin High – Tennis Courts & Student Memorial**

If density/acreage is increased /decreased or the property zoning /use changes, then "Park fees" will be re-assessed based on applicable conditions.

El Paso Water Utilities

1. EPWU does not object to this request.
2. Dyer Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Dyer Street right-of-way requires written permission from TxDOT.

Water:

3. There is an existing 18-inch diameter water main extending along Diane Drive, the water main is located approximately 3-ft west from the center line of the right-of-way.
4. There is an existing 12-inch diameter water main extending along Diane Drive that is available for service, the water main is located approximately 26.5-ft east from the center line of the right-of-way.
5. There is an existing 6-inch diameter water main extending along Dyers Street, the water main is located approximately 40-ft east from the center line of the right-of-way. Said main dead-ends approximately 639-ft north of Rutherford Drive.
6. There is an existing 36-inch diameter transmission water main extending along Dyer Street, the water main is located approximately 39-ft east from the center line of the right-of-way. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
7. Previous water pressure tests from fire hydrant # 5684 located at the northeast corner of Diane Drive and Joe Herrera Drive have yielded a static pressure of 110 (psi) pounds per square inch, a residual pressure of 108 (psi) pounds per square inch, and a discharge of 1060 (gpm) gallons per minute.
8. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

9. There is an existing 15-inch diameter sanitary sewer main extending along Diane Drive that is available for service, the sewer main is located approximately 24.5-ft west from the center line of the right-of-way.
10. There is an existing 8-inch diameter sanitary sewer main extending along Dyer Street that is available for service, the sewer main is located approximately 30-ft west from the center line of the right-of-way.

General:

11. Easements will be required if the proposed development requires the extension of water and sanitary sewer mains inside the Property.
12. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.
13. Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.
14. EPWU-PSB requires access to the water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.
15. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC),

shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

16. EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

17. EPWU-PSB requests the Developer to refrain from constructing signs within the PSB easements.

18. If the City of El Paso Fire Department requires additional fire hydrants on public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

19. EPWU requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

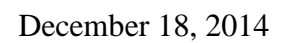
Additional Requirements and General Comments:

1. Submit to the City Development Department – Planning Division the following prior to recording of the subdivision.
 - a. Current certified tax certificate(s)
 - b. Current proof of ownership
 - c. Release of access document, if applicable
 - d. Set of restrictive covenants, if applicable
2. Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

Attachments

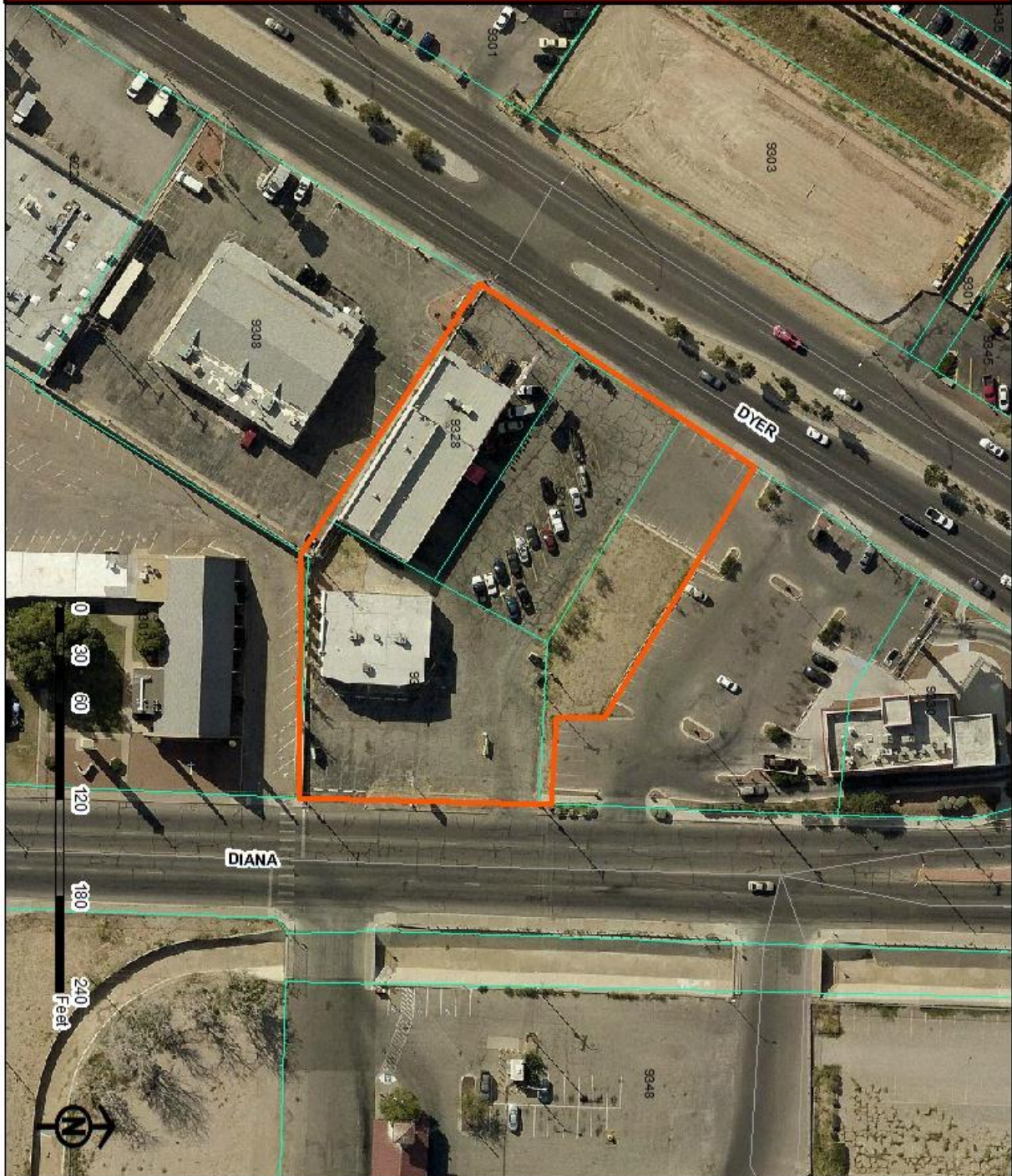
1. Location map
2. Aerial map
3. Preliminary plat
4. Final Plat
5. Exception request
6. Application

CVS DYER SUBDIVISION

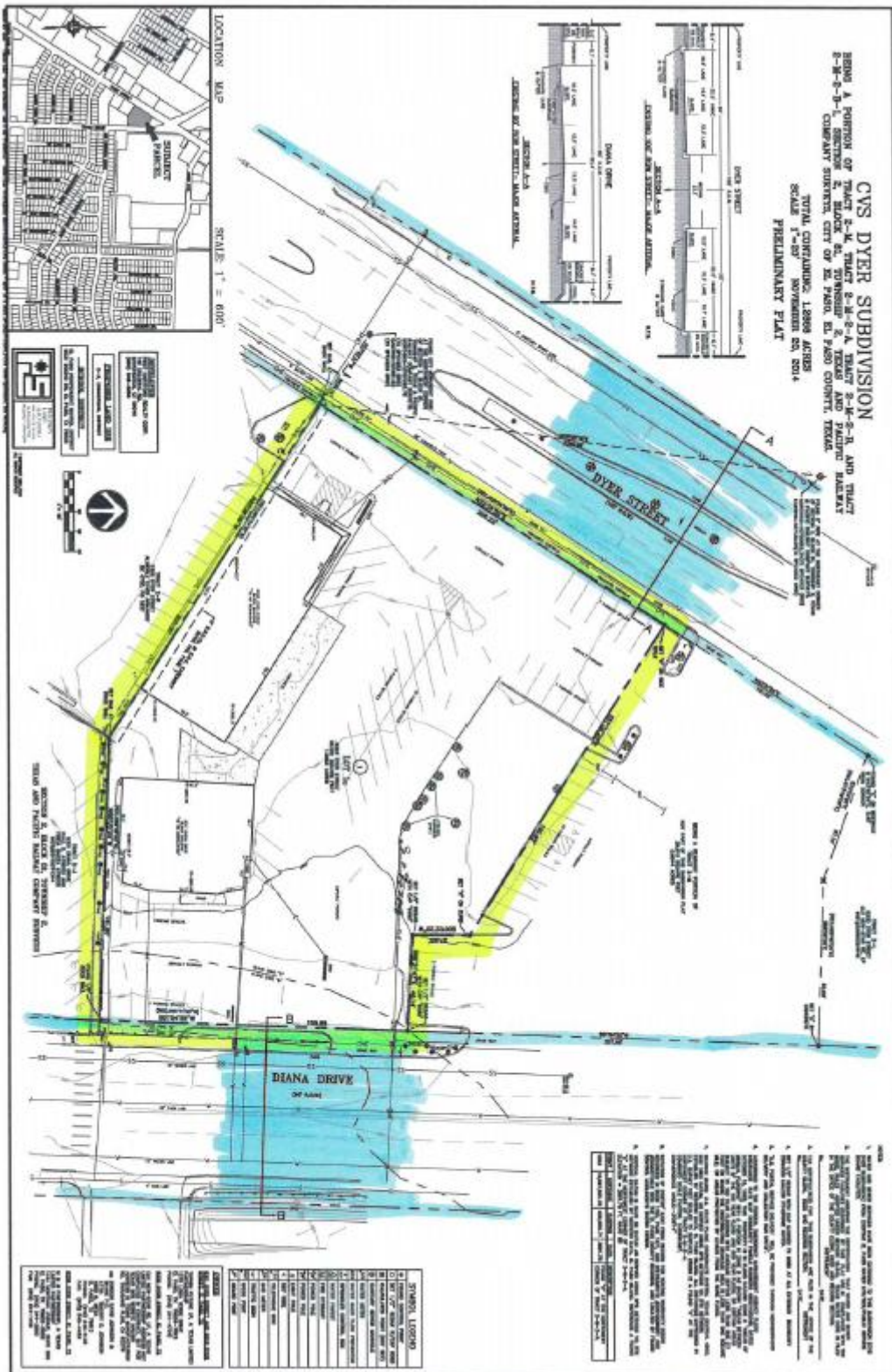


ATTACHMENT 2

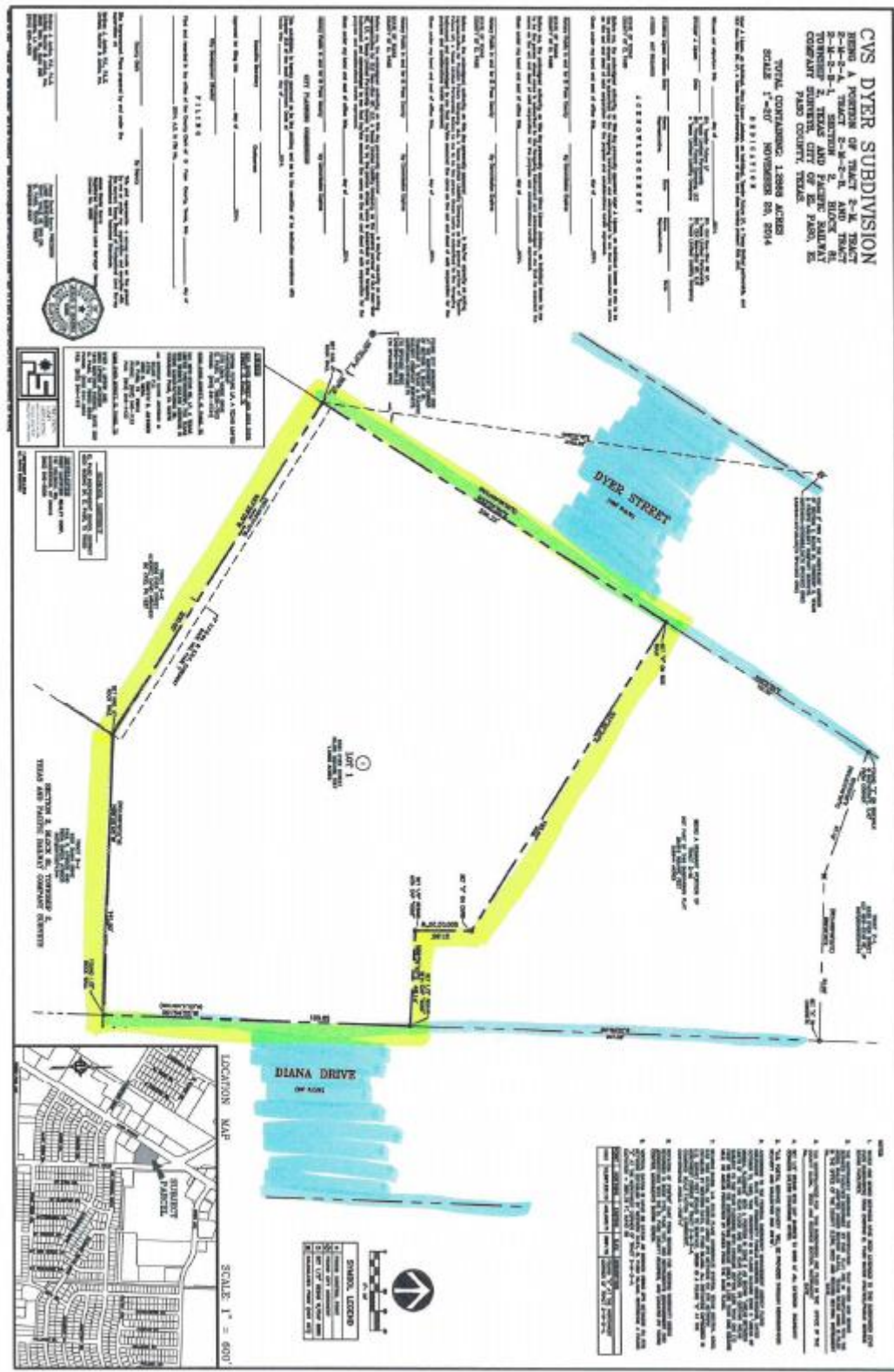
CVS DYER SUBDIVISION



ATTACHMENT 3



ATTACHMENT 4



ATTACHMENT 5



LINFIELD, HUNTER & JUNIUS, INC.
PROFESSIONAL ENGINEERS, ARCHITECTS
AND SURVEYORS

3959 Gateway Blvd. West
El Paso, TX, 79925
(915) 219-9890

Ralph W. Junius, Jr., P.E.
Frank C. Newell, P.E., P.L.S.
Anthony F. Goodgion, P.E.
Sergio J. Giran, P.E.
Nathan J. Junius, P.E., P.L.S.
Stephen R. Braquet, AIA, NCARB
Luis F. Sosa, P.E.
Charles T. Knight, P.E.
Robert E. Nockton, P.E.
Wesley R. Eustis, P.E.
Casey M. Genovese, P.E.

December 10, 2014

City of El Paso Planning Division
811 Texas
El Paso, TX 79901

RE: CVS Dyer Subdivision
Dyer St. & Diana Dr.
El Paso, TX
Job # 11-29X

To whom it may concern:

Diana Drive, adjacent to the proposed subject commercial development, currently has a ninety foot (90') right of way, and requires a one-hundred foot (100') right of way.

The 5-day review for this subdivision addressed the need for improvements only to Diana Dr. This request applies to Dyer St., as well, which is TXDOT's right of way.

This is a request for the City Plan Commission to waive such requirements to provide rights-of-way and street improvements to the adjacent roads.

Per section 19.10.050(A) of the City of El Paso Municipal Code, the subject development meets the following: Fifty percent of the lots within a quarter mile of the proposed development have already been developed and the existing street improvements are in character with the neighborhood and have sufficient capacity to handle the increase in traffic to be generated by the proposed development.

Thank you for your consideration. Please feel free to contact me should you have any questions.

Sincerely,

Mario J. Perez, P.E.

ATTACHMENT 6



CITY PLAN COMMISSION APPLICATION FOR MAJOR COMBINATION SUBDIVISION APPROVAL

DATE: 5-21-2014 FILE NO. _____
SUBDIVISION NAME: ~~CVS Subdivision~~ CVS Dyer Subdivision

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)
81 TSP 2 SEC 2 T&P SURV TR 2-M-2A (11900 SQ FT)
81 TSP 2 SEC 2 T&P SURV TR 2-M-2B-1 (13120 SQ FT)
81 TSP 2 SEC 2 T&P SURV TR 2-M-2-B (20051 SQ FT)
81 TSP 2 SEC 2 T&P SURV TR 2-M (0.9360 AC)
2. Property Land Uses:

	<u>ACRES</u>	<u>SITES</u>		<u>ACRES</u>	<u>SITES</u>
Single-family	<u>4</u>	_____	Office	_____	_____
Duplex	_____	_____	Street & Alley	_____	_____
Apartment	_____	_____	Ponding & Drainage	_____	_____
Mobile Home	_____	_____	Institutional	_____	_____
P.U.D.	_____	_____	Other (specify below)	_____	_____
Park	_____	_____		_____	_____
School	_____	_____	Total No. Sites	<u>1</u>	_____
Commercial	<u>1.29</u>	<u>1</u>	Total (Gross) Acreage	<u>1.29</u>	_____
Industrial	_____	_____			
3. What is existing zoning of the above described property? C-3 Proposed zoning? N/A
4. Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? N/A Yes _____ No _____
5. What type of utility easements are proposed: Underground X Overhead X Combination of Both X
6. What type of drainage is proposed? (If applicable, list more than one)
Surface flow to swales within property and to existing
underground drain line along Diana Dr.
7. Are special public improvements proposed in connection with development? Yes _____ No X
8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes _____ No X
If answer is "Yes", please explain the nature of the modification or exception _____
9. Remarks and/or explanation of special circumstances: N/A
10. Improvement Plans submitted? Yes _____ No X
11. Will the proposed subdivision require the city to review and decide whether this application is subject to the standards in effect prior to the effective date of the current applicable standards? Yes _____ No X
If yes, please submit a vested rights petition in accordance with Title I (General Provisions) Chapter 1.04 - Vested Rights

City Development Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 541-4024

12. Owner of record See below
(Name & Address) First Hartford Realty Corp. (Zip) (Phone)
13. Developer 149 Colonial Rd., Manchester, CT 06045-1270 (Zip) 860-646-6555
(Name & Address) Linfleld, Hunter & Junius, Inc. (Zip) (Phone)
3608 18th St., Suite 200
14. Engineer Metairie, LA (Zip) 70002 (Phone) 504-833-5300
(Name & Address) (Zip) (Phone)

Refer to Schedule C for
current fee.

OWNER SIGNATURE: 

REPRESENTATIVE:

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

Owners of Record

9311 Dyer Street and 9216 Dyer Street, El Paso, TX
 Tapnim Future LP, a Texas limited partnership
 1375 Loma Verde Drive
 El Paso, TX 79936-7812
 Phone: (915) 241-4734)

9330 Dyer Street, El Paso, TX
 CLK New-Star RE, LP, a Texas limited partnership
 cc: Gordon Davis Johnson & Shane P.C.
 Attn: Timothy D. Johnson
 4695 N. Mesa
 El Paso, TX 79912
 Phone: (915) 545-1133
 Fax: (915) 545-4433

9328 Dyer Street, El Paso, TX
 M & M Partnership, a Texas limited partnership
 1444 Montana Avenue, Suite 200
 El Paso, TX 79902-5659
 Phone: (915) 544-2600
 Fax: (915) 544-1419

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My fee for 9328 Dyer

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